

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS


----- x	Plaintiff designates <i>QUEENS</i>
RICARDO SAMAROO,	<i>COUNTY</i> as the place of trial
:	
:	
Plaintiff,:	<b><u>S U M M O N S</u></b>
- against -	
:	
:	Index No.: _____/2014
:	
:	Date Purchased: ____/____/2014
Defendant.:	
----- x	The basis of venue is place of
<b>To the above named Defendant:</b>	occurrence

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
November 13, 2014

Yours, etc.,

DILLON HOROWITZ & GOLDSTEIN LLP  
Attorneys for Plaintiff

By   
MICHAEL GOLDSTEIN  
11 Hanover Square, 20<sup>th</sup> Floor  
New York, New York 10005  
(212) 248-4900

**Plaintiff's Address**  
RICARDO SAMAROO  
121-14 97th Avenue  
Queens, New York 11419

**Defendant's Address:**  
THE CITY OF NEW YORK  
Comptroller's Office  
Municipal Building  
One Centre Street  
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X	:	
RICARDO SAMAROO,	:	
	Plaintiff,:	<b><u>VERIFIED COMPLAINT</u></b>
	:	
– against –	:	Index No.: _____/2014
	:	
THE CITY OF NEW YORK,	:	Date of Purchase: __/__/2014
	Defendant.:	
-----X	:	

Plaintiff, RICARDO SAMAROO, by his undersigned attorneys DILLON  
HOROWITZ & GOLDSTEIN LLP complains of defendant as follows:

**CONDITIONS PRECEDENT**

1. Prior to the service of this summons and complaint, plaintiff purchased an Index Number from the Clerk of the Queens County Court in accordance with the CPLR.
2. Plaintiff RICARDO SAMAROO has complied with all conditions precedent to commencement of the state law claims in that on or about February 20, 2013 and within ninety (90) days of the occurrence, plaintiff served a written notice of claim upon the Comptroller's Office of the defendant The City of New York (hereinafter "defendant City"), more than thirty days have elapsed since service of the notice and defendant has failed to make any adjustment thereof, and this action has been brought within one year and ninety days of the occurrence.

**PARTIES**

3. Plaintiff RICARDO SAMAROO, is a resident of Queens County, New York.

4. Defendant City was and is a domestic municipal corporation duly organized and existing pursuant to the laws of the State of New York.

### **FACTUAL BACKGROUND**

5. On November 22, 2013 at about 9:15 P.M., plaintiff RICARDO SAMAROO was driving his car in the area of Atlantic Avenue and 94<sup>th</sup> Street in Queens, New York.

6. At that time, plaintiff was stopped by police officers employed by defendant City allegedly for a “loud muffler”.

7. The plaintiff was then arrested purportedly on an outstanding warrant or warrants (the “warrant”).

8. Plaintiff was held in custody for about 18 hours until he was taken to court.

9. The charges against the Plaintiff were ultimately dismissed.

10. The warrant that purportedly formed the basis for plaintiff’s arrest had previously been dismissed by a court many months before.

10. The defendant City through its employees negligently failed to correct plaintiff’s record to reflect that the warrant had been dismissed.

### **CLAIM**

11. The defendant City’s negligence resulted in plaintiff being arrested and held against his will for about 18 hours.

**WHEREFORE**, the plaintiff RICARDO SAMAROO, demands the following relief:

- (1) Compensatory damages;
- (2) Such other and further relief as this court finds just and proper; and
- (3) Plaintiff demands a trial by jury.

Dated: New York, New York  
November 13, 2014

Yours, etc.,

DILLON HOROWITZ & GOLDSTEIN LLP  
Attorneys for Plaintiff  
RICARDO SAMAROO

By 

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MICHAEL GOLDSTEIN  
11 Hanover Square - 20th Floor  
New York, New York 10005  
(212) 248-4900


**MICHAEL GOLDSTEIN**, a member of the firm of DILLON HOROWITZ & GOLDSTEIN LLP, attorneys for the plaintiff in the above-entitled action, duly admitted to practice in the Courts of the State of New York, affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2106 of the CPLR:

That he has read the foregoing *SUMMONS and COMPLAINT* and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief; and that as to those matters he believes them to be true;

Affiant further says that the source of his information and the grounds of his belief are derived from the file maintained in the normal course of business of the attorneys for the plaintiff.

Affiant further says that the reason this affirmation is not made by the plaintiff is that our client(s) is(are) not within the County of New York, which is the County where we herein maintain our offices.

Dated: New York, New York  
November 13, 2014



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MICHAEL GOLDSTEIN

Index No.

Year 2014

Supreme Court of the State of New York  
County of Queens

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RICARDO SAMAROO,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

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**SUMMONS and VERIFIED COMPLAINT**

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**DILLON HOROWITZ & GOLDSTEIN LLP**

*Attorneys for Plaintiff*

**11 Hanover Square - 20th Floor**

**New York, New York 10005**

**(212) 248-4900**

**(212) 248-2848 fax**

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Service of a copy of the within  
Dated: , 2014

is hereby admitted.

.....  
Attorneys for

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Sirs/Madams: -- Please take notice

\_\_\_\_\_ Notice of Entry

that the within is a true copy of an  
named court on

duly entered in the office of the clerk of the within

\_\_\_\_\_ Notice of Settlement

that an  
HON.  
on

of which the within is a true copy will be presented for settlement to the  
one of the judges of the within named court, at  
20 at M.